

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

UNITED STATES OF AMERICA

NO. 5:19-cr-00365-01

VERSUS

DISTRICT JUDGE WALTER

ROBERT T. KIMBROUGH

MAGISTRATE JUDGE HORNSBY

DEFENDANT'S FORESEEABLE ISSUES

NOW INTO COURT, through undersigned counsel, comes defendant, **ROBERT T. KIMBROUGH**, who respectfully submits the following list of foreseeable issues:

1. **Extrinsic evidence problems under *Beechum*:** Defendant has not received any formal notice under Fed. R. Evid. 404(b) from the Government that it intends to offer evidence of other crimes, wrongs or acts. The Defense therefore assumes the Government will not attempt to introduce any such evidence. If the Government intends to introduce such evidence, defendant requests compliance with Fed. R. Evid. 404(b) in a timely manner prior to trial.
2. **Pretrial production of *Jencks* Act material:** Defendant requests production of *Jencks* Act material on the Thursday before trial.
3. **Pretrial production of any *Brady/Kyles* evidence in the hands of the Government or any of its agents:** Defendant requests immediate production of any such material which exists.
4. **Pretrial production of criminal histories of all Government witnesses as *Bagley/Giglio* material:** Defendant requests immediate production of any such material which exists.

5. **Exchange of exhibits and exhibit lists:** Defendant has not yet identified any exhibits it intends to introduce. Defendant requests production of Government exhibits and exhibit lists in accordance with this Court's standard procedure.
6. **Use of juror questionnaires and time of availability to counsel:** Defendant requests production of the juror questionnaires be made available on the Thursday before trial.
7. **The necessity of pretrial hearings:** Defendant does not anticipate filing any pretrial motions.
8. **Pretrial production of audio transcripts,** if any: Defendant requests production of any such transcripts from the Government as soon as they are available.
9. **Stipulations:** The Defendant will stipulate under *Old Chief v. United States*, 117 S.Ct. 644 (1997) to a prior felony conviction. Upon reasonable notice, Defendant will consider stipulating to the genuineness, authenticity or admissibility of any evidence in this case.
10. **Length of case-in-chief:** The defense anticipates it will take less than one day to present its case-in-chief.

Respectfully Submitted,

REBECCA L. HUDSMITH

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Middle Districts of Louisiana

s/ Ashley R. Martin

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